

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-12 are pending in the application. Claims 11-12 are new. Claims 1 and 9 are independent claims.

Unless indicated to the contrary, claims are amended for non-statutory reasons, such as to replace European-style phraseology.

### **Objections to the Drawings**

Applicants have added NEW Fig. 3, which provides suitable basis for the method. Thus, the objection to the drawings is believed moot in view of the NEW drawings. Entry of this NEW drawing is requested and withdrawal of the objection to the drawings is earnestly solicited.

### **Objection to the Specification**

1. The objection to the Specification related to the Brief Description of the Drawings is noted, and is improper. Nowhere is there a requirement that the Brief Description of the Drawings include reference characters.

Moreover, the objections in items 7a and 7b are without basis. Both Figs. 1 and 2 include common elements and dissimilar elements. The inclusion of reference characters directs with clarity and specificity to the particular element of a particular drawing.

The objections in items 7c are also improper at least because a brief description of the drawings and a detailed description of the embodiments in terms of the drawings; and with reference to elements of the drawings by reference characters. No specific objections are provided, depriving Applicants of the opportunity to rebut the objections of 7c.

2. Applicants thank the Examiner for providing information about recommended section headings. However, Applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 CFR § 1.51(d) are only guidelines that are suggested for applicant's use. (See "Miscellaneous Changes in Patent Practice, Response to comments

17 and 18" (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77"). (See also MPEP § 608.01(a)).

### Rejections under 35 U.S.C. § 112

The Office Action rejects claim 4 under Paragraphs 3 and 4 of this Section of the Code. Yet, no further basis other than the citation of the paragraphs is provided. Clarification is requested.

The Office Action does object to claim 4 as being of improper dependent form for allegedly not further limiting claim 1, from which it depends. The Office Action states that claim 4 introduces 'no new limitations except to associate...' certain terms with features of the base claim. The Office Action then alleges that at most these terms are nothing more than a restatement of that which is allegedly obvious.

First, Applicants submit that the objection is improper because the claim, by the Examiner's admission, does further limit the base claim. Adjectival terms are commonly used to further delimit a feature of a claim. For instance, the term 'semiconductor' can be further limited by adding the adjective 'doped.' Thus, the objection is misplaced.

Second, if a claim is obvious in view of the art, it is proper to present a *prima facie* case based on such art; but not proper to object to a claim as not being further limiting by relegating the features of the claim as being obvious.

2. Claims 1-10 are rejected under Paragraph 2 of this Section of the Code. Applicants have reviewed the rejection and respectfully submit that the rejection is improper.

The Examiner alleges that terms 'reception quality value' and 'noise level' are both 'reception quality measures.' While neither conceding nor denying this, Applicants question how this case render the claims indefinite. Clarification is requested.

At the paragraph (b) of page 11 of the Office Action, the Examiner asserts that Applicants state that the terms ‘reception quality value’ and ‘noise value’ are interchangeable. The Office Action then reproduces paragraph 7 of the Background in support of this. Next, the Office Action states that the term ‘limit condition’ is provided with no antecedent and there is no relative basis from which the reception quality threshold and the noise-threshold crossings can be determined.

First, there is no feature in any of claims 1-10 of a ‘limit condition’ and thus, any rejection for antecedent issues is misplaced. Moreover, the basis of the alleged lack of reference for the terms ‘reception quality threshold’ and ‘noise-threshold crossings’ are not provided. Thus, it is not entirely clear what issues are presented; and Applicants respectfully submit that a proper rejection within the guidelines of MPEP § 706 is not provided.

Second, paragraph ‘c’ of page 12 includes mere statements and fails to provide any clarity or specificity of the alleged rejection/objection being raised.

Third, paragraphs ‘d’ through ‘f’ that follow provide additional objections and statements that do not appear to clarify the issues being raised. Notably, no basis in law is provided to support the assertion that the frame of reference of terminology need be provided, if not done so in the filed application.

Finally, and most emphatically, Applicants do not concede the interpretation of claim terminology as set forth in paragraph ‘f’ on page 13. Rather, Applicants rely on the interpretation of such terminology as provided for by law.

The objections and rejections stated in paragraphs 19-28 are believed to be moot in view of the amendments to the claims.

### **Rejections Under 35 U.S.C. § 101**

Claim 10 has been amended to associate the computer program with a computer readable medium, and thus is statutory subject matter. Withdrawal of this rejection is earnestly solicited.

## Rejections under 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102(b) as being unpatentable over *Politakis, et al.* (US Patent 6,336,091). For at least the reasons set forth below, Applicants respectfully submit that this rejection is improper and should be withdrawn.

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Claim 1 is drawn to a method for operating a speech recognition system. The method comprises:

*detecting a speech signal ( $S_I$ ) of a user;*

*analyzing the speech signal to recognize speech information contained in the speech signal ( $S_I$ );*

*determining a reception quality value ( $S_Q$ ) or a noise value which represents a current reception quality; and*

*switching the speech recognition system over to a mode of operation, which is less sensitive to noise when the noise value exceeds a noise threshold, or outputting an alert signal ( $S_W$ ) to the user when the reception quality value ( $S_Q$ ) drops below a given reception quality threshold, or both.*

In rejecting claim 1, the Office Action directs Applicants to the various thresholds in 230, 240,250 and 260 for the reception quality threshold. While there are thresholds disclosed, none are reception quality thresholds or a noise threshold as claimed. Rather there are start energy thresholds and end energy thresholds, which relate to energy in frames. As such, the applied art fails to disclose at least one feature of claim 1. As a result, a *prima facie* case of anticipation has not been established. Therefore, claim 1 and the claims that depend therefrom are patentable over the applied art.

### **Rejections under 35 U.S.C. § 103**

Claims 2-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Politakis, et al.* and other secondary and tertiary references.

While Applicants in now way concede the propriety of these rejections, because claims 2-8 depend from claim 1, these claims are patentable over the applied art for at least the same reasons and in view of their additionally recited subject matter.

Claim 9 is drawn to a speech recognition system and features:  
means for detecting a speech signal ( $S_I$ ) of a user;  
a speech recognition device adapted to analyzethe detected speech signal ( $S_I$ ) to recognize speech information contained in the speech signal;  
a quality control device adapted to determine a reception quality value ( $S_Q$ ) or a noise value, representing a current reception quality,  
a comparator adapted to compare the reception quality value ( $S_Q$ ) with a predetermined reception quality threshold or for comparing the noise value with a given noise threshold,  
and control means adapted to switch the speech recognition system over to a mode of operation which is less sensitive to noise, or an alert signal ( $S_W$ ) is output to the user when the reception quality value drops below the reception quality threshold or when the noise value exceeds the noise threshold, or both.

Like the rejection of claim 1, the Office Action turns the various thresholds in 230, 240,250 and 260 for the reception quality threshold. While there are thresholds

disclosed, none are reception quality thresholds or a noise threshold as claimed. Rather there are start energy thresholds and end energy thresholds, which relate to energy in frames. As such, the applied art fails to disclose at least one feature of claim 9. As a result, a *prima facie* case of obviousness has not been established. Therefore, claim 9 and the claims that depend therefrom are patentable over the applied art.

**Conclusion**

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:  
Phillips Electronics North America Corp.

s/William S. Francos/

by: William S. Francos (Reg. No. 38,456)  
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